

In the Matter of Merchant Mariner's Document No. Z-977748
Issued to: TIMOTEO R. CASTRO

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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TIMOTEO R. CASTRO

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 12 February, 1953, an Examiner of the United States Coast Guard at New York, N.Y., revoked Merchant Mariner's Document No. Z-977748 issued to Timoteo R. Castro upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as waiter on board the American U.S.N.S. GENERAL S. D. STURGIS under authority of the document above described, on or about 9 November, 1952, while said vessel was in the port of Bremerhaven, Germany, he wrongfully had in his possession a narcotic substance, to wit, marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "not guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant made opening statements and the Investigating Officer introduced in evidence, without objection, a certified copy of the record of Appellant's trial before the United States Court of the Allied High Commission for Germany and a certified copy of the Commitment Order entered in that case.

In defense, Appellant offered in evidence his own sworn testimony.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved of the specification and entered the order revoking Appellant's Merchant Mariner's Document No. Z-977748 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged that Appellant is entitled to another hearing because the sentence is very stiff; and he is innocent.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 9 November, 1952, Appellant was serving as waiter on board the American U.S.N.S. GENERAL S. D. STURGIS and acting under authority of his Merchant Mariner's Document No. Z-977748 while said vessel was in Bremerhaven, Germany.

While passing through the Customs line on his way ashore, Appellant was searched, and a quantity of marijuana was found on his person, and more was found in his quarters.

Appellant was tried before a United States judge for Germany in the United States Court of the Allied High Commission for Germany; he pleaded guilty to a charge reciting his importation of a quantity of marijuana and unlawfully had marijuana in his possession without authority, while said vessel was at Bremerhaven, Germany. For this offense, Appellant was committed to imprisonment for thirty days.

OPINION AND ORDER

I see no reason to add any remarks to those made by the Examiner in this case.

Nothing advanced by this appeal warrants my interference with the Examiner's Order dated at New York, N.Y., on 12 February, 1953, which is hereby AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 11th day of June, 1953.